

DEQ Wind Energy Regulatory Advisory Panel (Wind RAP)

January 7, 2010 Meeting

Draft Meeting Notes

Location: DEQ Piedmont Regional Office
Glen Allen, VA 23060

Start: 9:35 a.m.

End: 4:15 p.m.

RAP Leader/Facilitator: Carol Wampler, DEQ

Recorders: Debra Miller, DEQ

RAP Members Present:

Julie Langan, DHR

Bob Bisha, Dominion

Ray Fernald, DGIF

James Golden, DEQ

Nikki Rovner, Deputy SNR

Judy Dunscomb, TNC

Ronald Jenkins, DOF

Larry Jackson, Appalachian Power

Tom Smith, DCR

Ken Jurman, DMME

Theo deWolff, Independent Developer

Mary Elfner, Audubon

Dan Holmes, Piedmont Environmental Council

Stephen Versen, VDACS

Tony Watkinson, VMRC

RAP Members Absent:

Larry Land, Virginia Assoc. of Counties

Jonathan Miles, JMU

John Daniel, Troutman Sanders(Check)

Jayme Hill, Sierra Club-VA Chapter

Public Attendees:

Roger Kirchen, DHR (alternate)

Emil Avram, Dominion (alternate)

Rick Reynolds, DGIF (alternate)

David Phemister, TNC (alternate)

John Davy, DCR (alternate)

Laura Rose (ODEC)

Caroline Clark, Williamsburg Environmental

Larry Nichols, VDACS

Don Giecek, Invenergy (alternate)

Hank Seltzer, BP Wind Energy

Emil Avram, Dom (alternate)

Elizabeth Murphy, VMRC (alternate)

Agenda Item: Welcome & Introductions

Discussion Leader: Carol Wampler

Discussion: The RAP meeting attendees and public attendees were welcomed. Carol updated attendees on how the current draft discussion document was developed.

Agenda Item: Discussion Draft Section 6 - Site plan and context map requirements

Discussion Leaders: Carol Wampler, DEQ

Discussion: The RAP reviewed the Section 6. *CONCLUSION: The RAP agreed to the requirements in Section 6.*

Agenda Item: Discussion Draft Section 7 - Facility design standards

Discussion Leaders: Carol Wampler, DEQ

Discussion: The RAP reviewed Section 7. Carol provided the background on the changes and why this section is minimal. *CONCLUSION: The RAP agreed to the requirements provided for Section 7.*

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Agenda Item: Discussion Draft Section 8 - Public participation

Discussion Leaders: Carol Wampler, DEQ

Discussion: The RAP reviewed Section 8. This section was presented with explanation that the additional language requiring a submittal of a copy to the DEQ was a request by DOD. *CONCLUSION: The RAP agreed to the requirements of Section 8.*

Agenda Item: Discussion Draft Section 9 - Change of ownership, facility modifications, termination

Discussion Leaders: Carol Wampler, DEQ

Discussion: The RAP reviewed Section 9. Section 9 was presented with explanation of why the PBR termination language of subsection C was necessary. *CONCLUSION: Based on no further comments, the requirements of Section 9.A and 9.B was agreed to by the RAP with Section 9.C remaining as drafted (minus "closure") for the proposal.*

Agenda Item: Discussion Draft Section 10 - Permit fee requirements

Discussion Leaders: Carol Wampler, DEQ

Discussion: The RAP reviewed Section 10. Carol explained how the fees provided were calculated. *CONCLUSION: Based on no further comments beyond the cost to other agencies, the RAP agreed to allow DEQ to review the costs associated with this permit program and the impact of including funding for other agencies.*

Agenda Item: Discussion Draft Section 11 - Enforcement

Discussion Leaders: Carol Wampler, DEQ

Discussion: The RAP reviewed Section 11. Carol explained that these provisions were a summary of the authorities as presented in the statute. *CONCLUSION: The RAP agreed to the requirements provided for Section 11.*

Agenda Item: Discussion on Coastal Avian Resources (Section 3.A)

Discussion Leaders: Carol Wampler, DEQ

Discussion: Carol provided the RAP with background on the decision to not bifurcate the regulation into a land-based and offshore action. The regulation will be drafted to apply to both situations and the restriction to land-based will be removed from the regulation. This will provide the best situation for DEQ to meet the statutory deadline for this regulation's promulgation. By March 2010, VMRC will have a report on offshore wind development and after that, if necessary, a group can be brought in to review the regulation and determine what/if any revisions are necessary for offshore impacts. *CONCLUSION: The RAP still agreed to request that the DEQ develop language for both the desktop analysis and field study for coastal avian resources (with assistance from CZM staff). The developed language will be circulated to academic experts, DGIF, TNC, and industry representatives for further feedback.*

Agenda Item: Discussion on Permit Review Timeframe (Section 2.B)

Discussion Leaders: Carol Wampler, DEQ

Discussion: Carol provided the RAP with the rationale for completeness and adequacy reviews of the PBR application. The completeness stage will determine if there are significant adverse impacts and if all of the PBR application items have been submitted as required. During adequacy, there will be consultation with the other SNR agencies and a determination if the PBR (and any necessary mitigation plan) adequately meet the regulatory requirements. *CONCLUSION: The RAP agreed that this section will be reworked to accomplish the review for both completeness and adequacy within 90 days.*

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**Agenda Item: Discussion on Historic Resources and Other
Natural Resources (Section 3.A.2 and 3.A.3)**

Discussion Leaders: Carol Wampler, DEQ

Discussion: The RAP reviewed Section 3.A.2. There were not additional concerns or comments noted and the RAP agreed to the requirements of this section. The RAP reviewed Section 3.A.3. There were not additional concerns or comments noted and the RAP agreed to the requirements of this section.

CONCLUSION: *The RAP agreed to the requirements for sections 3.A.2 and 3.A.3.*

Agenda Item: Discussion on Definitions (Section 1.B)

Discussion Leaders: Carol Wampler, DEQ

Discussion: The RAP reviewed the updated definitions. There were no comments or objections noted for the revised definitions provided for inter-connection point, wind energy facility, phase, and site.

CONCLUSION: *The RAP agreed to the definitions provided in Section 1.B.*

RAP broke for lunch at 12:35pm

RAP reconvened at 1:38 pm.

Agenda Item: Discussion on SGCN (Section 3.A, Section 4, and Section 5)

Discussion Leaders: Carol Wampler, DEQ

Discussion: The RAP was presented the results of a meeting between DEQ and DGIF regarding SGCN inclusion within the regulation. Proposed alternative language was provided to the RAP for consideration and background and overview of the options was provided by Carol and Ray. The RAP discussed the issues of SGCN inclusion.

Agenda Item: Discussion on Mitigation Cap (Section 5)

Discussion Leaders: Carol Wampler, DEQ

Discussion: The RAP reviewed the options provided for dealing with the cap on mitigation costs.

CONCLUSION: *As there was no particular option that had RAP consensus, the RAP agreed to allow all three options to be put forward for selection.*

Agenda Item: Discussion on Potential Candidates (Section 3.C)

Discussion Leaders: Carol Wampler, DEQ

Discussion: A question was raised on the potential scenic river candidates that Section 3.C.2 includes in its analysis.

This concluded the agenda items for today. Carol thanked the RAP members for all of their hard work. This meeting concluded the RAP process for this regulatory action and the meeting was adjourned.

Adjournment 4:13pm